
TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

Final Rule

LSA Document #12-108(F)

DIGEST

Amends [345 IAC 9-1-3](#), [345 IAC 9-2-1](#), [345 IAC 9-2-2](#), [345 IAC 9-2.1-1](#), [345 IAC 9-12-1](#), [345 IAC 9-12-2](#), [345 IAC 9-12-4](#), [345 IAC 9-12-5](#), [345 IAC 9-12-6](#), [345 IAC 9-20-2](#), [345 IAC 9-21.5-2](#), [345 IAC 10-1-1](#), [345 IAC 10-2-3](#), [345 IAC 10-2-4](#), [345 IAC 10-2.1-1](#), [345 IAC 10-13-1](#) through [345 IAC 10-13-3](#), [345 IAC 10-13-5](#), [345 IAC 10-14-18](#), and [345 IAC 10-18-2](#) to update matters incorporated by reference and to adopt federal standards governing the slaughter of livestock and poultry and the preparation of meat and poultry products for distribution, add provisions authorizing BOAH to participate in a cooperative program with the United States Department of Agriculture for interstate shipment of meat products and poultry products from state-inspected establishments, and make other changes in the law governing the slaughter of livestock and poultry and preparation of meat and poultry products for distribution. Effective 30 days after filing with the Publisher.

[345 IAC 9-1-3](#); [345 IAC 9-2-1](#); [345 IAC 9-2-2](#); [345 IAC 9-2.1-1](#); [345 IAC 9-12-1](#); [345 IAC 9-12-2](#); [345 IAC 9-12-4](#); [345 IAC 9-12-5](#); [345 IAC 9-12-6](#); [345 IAC 9-20-2](#); [345 IAC 9-21.5-2](#); [345 IAC 10-1-1](#); [345 IAC 10-2-3](#); [345 IAC 10-2-4](#); [345 IAC 10-2.1-1](#); [345 IAC 10-13-1](#); [345 IAC 10-13-2](#); [345 IAC 10-13-3](#); [345 IAC 10-13-5](#); [345 IAC 10-14-18](#); [345 IAC 10-18-2](#)

SECTION 1. [345 IAC 9-1-3](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 9-1-3](#) Definitions**Authority:** [IC 15-17](#)**Affected:** [IC 15-17](#); [IC 16-42](#)

Sec. 3. Unless otherwise required by context, the definitions in [IC 15-17-2](#) and [IC 15-17-5](#) and the following definitions apply throughout this article:

(1) "Act" means the Indiana Meat and Poultry Inspection and Humane Slaughter Act in [IC 15-17-5](#).

(2) "Administrator" means the state veterinarian, division director, or other board employee to whom authority has been delegated under the act.

(3) "Animal food manufacturer" means any person, firm, or corporation engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses or parts or products of the carcasses of livestock.

~~(3)~~ (4) "Antelope" means any animal belonging to the antelope family.

~~(4)~~ (5) "Area supervisor", "circuit supervisor", or "meat inspector supervisor" means a designated division employee who is in charge of the division's inspection and operational duties in a geographical area of the state.

~~(5)~~ (6) "Bison" means any American bison or catalo or cattalo.

~~(6)~~ (7) "Board", "state board", or "department" means the Indiana state board of animal health.

~~(7)~~ (8) "Buffalo" means any animal belonging to the buffalo family.

~~(8)~~ (9) "Commerce" means commerce within Indiana. The term includes, without limitation, a transfer of ownership or an offer to transfer ownership by sale or otherwise, and the transportation of products on public roads of the state pursuant to a business transaction.

~~(9)~~ (10) "Catalo" or "cattalo" means any hybrid animal with American bison appearance resulting from direct crossbreeding of American bison and cattle.

~~(10)~~ (11) "Deer" means any member of the deer family.

~~(11)~~ (12) "Division" or "program" means the meat and poultry inspection division of the board.

~~(12)~~ (13) "Division director" or "regional director" means the veterinarian employed by the board to whom authority has been delegated to direct the meat and poultry inspection program.

~~(13)~~ (14) "Division employee" or "program employee" means the inspectors and all other individuals employed by the board and authorized to do any work or perform any duty in connection with the enforcement of the act.

~~(14)~~ (15) "Establishment" or "recognized establishment" means any building, or part thereof, or other location used for slaughtering animals or poultry or preparing meat or poultry, meat food products, and meat byproducts capable of use as a human food.

~~(15)~~ (16) "Elk" means any American elk.

~~(16)~~ (17) "Exotic livestock" or "exotic animal" means any:

- (A) reindeer;
- (B) elk;
- (C) deer;
- (D) antelope;
- (E) water buffalo; or
- (F) bison;

that are livestock.

~~(17)~~ **(18)** "Field antemortem inspection" means the antemortem inspection of an animal away from the official establishment's premises.

~~(18)~~ **(19)** "Field designated area" means a designated area approved by the board where field antemortem inspection is to be performed.

~~(19)~~ **(20)** "Food safety and inspection service" or "FSIS", referenced in 9 CFR, means the board.

~~(20)~~ **(21)** "Household consumer" or "household" means those who dwell under the same roof as a family and utilize economic goods.

~~(21)~~ **(22)** "Indiana Food, Drug, and Cosmetic Act" means the act found at [IC 16-42-1](#) through [IC 16-42-4](#).

~~(22)~~ **(23)** "Inspection" or "inspection service" means inspection under the act by agents of the board.

~~(23)~~ **(24)** "Inspector-in-charge" means a designated division employee who is in charge of one (1) or more official establishments within an area and is responsible to the area supervisor.

~~(24)~~ **(25)** "Livestock" means the following:

- (A) Cattle.
- (B) Sheep.
- (C) Swine.
- (D) Goats.
- (E) Bison.
- (F) Farm-raised cervidae.
- (G) Horses.
- (H) Mules.
- (I) Other equine.

~~(25)~~ **(26)** "Meat" means the part of the muscle of any livestock that is skeletal or is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels that:

(A) normally accompany the muscle tissue; and ~~that~~

(B) are not separated from it in the process of dressing.

The term does not mean the muscle found in the lips, snout, or ears.

~~(26)~~ **(27)** "Official establishment" means an establishment granted inspection under the provisions of the act and this article.

~~(27)~~ **(28)** "Official inspection legend" means the official inspection mark prescribed in [345 IAC 9-12](#).

~~(28)~~ **(29)** "Official mark" means any symbol prescribed in [345 IAC 9-12](#) to identify the status of any article or poultry under the act.

~~(29)~~ **(30)** "Person" means any:

- (A) individual;
- (B) partnership;
- (C) copartnership;
- (D) firm;
- (E) company;
- (F) corporation;
- (G) association;
- (H) joint-stock company;
- (I) trust; or
- (J) estate;

or his **or her** legal representative or agent.

~~(30)~~ **(31)** "Poultry" means a domesticated bird, whether live or dead, and includes domesticated:

- (A) chickens;
- (B) turkeys;
- (C) ducks;
- (D) geese; ~~and~~
- (E) ratitae; ~~and~~
- (F) squabs.

(32) "Raw agricultural commodity" has the meaning set forth in the federal Food, Drug, and Cosmetic Act (21 U.S.C. 201 et seq.)

~~(31)~~ **(33)** "Reindeer" means any reindeer commonly referred to as caribou.

(34) "Renderer" means any person engaged in the business of rendering carcasses or parts or products of the carcasses of livestock or poultry. The term does not include rendering conducted under inspection or exemption under this rule.

~~(32)~~ **(35) "Secretary", "state veterinarian", or "administrator" means the state veterinarian appointed under [IC 15-17-4](#).**

~~(33)~~ **(36) "Supervision" means controls implemented by board officials under the act and this article to ensure compliance with the act and this article. Supervision may include periodic observation or review as allowed under board policies.**

~~(34)~~ **(37) "United States" or "U.S.", as used in 9 CFR, followed by the term:**

- (A) inspected and passed;
- (B) condemned;
- (C) inspected and condemned;
- (D) passed for cooking;
- (E) passed for refrigeration;
- (F) retained; or
- (G) suspect;

means Indiana or state of Indiana followed by the appropriate term.

~~(35)~~ **(38) "Water buffalo" means:**

- (A)** any Asiatic water buffalo, commonly referred to as carabao; and
- (B)** the water buffalo of India, commonly referred to as the Indian buffalo.

(Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 1, Sec 1.2; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 223; filed Aug 13, 1973, 9:20 a.m.: Rules and Regs. 1974, p. 227; filed May 26, 1978, 3:30 p.m.: 1 IR 102; filed Aug 12, 1987, 4:30 p.m.: 11 IR 11; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1296; filed Sep 10, 1999, 9:14 a.m.: 23 IR 13; filed Oct 30, 2000, 2:06 p.m.: 24 IR 676; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); errata filed Oct 3, 2008, 3:30 p.m.: [20081022-IR-345080767ACA](#); filed Sep 18, 2012, 2:21 p.m.: [20121017-IR-345120108FRA](#)) NOTE: Transferred from the Indiana State Department of Health ([410 IAC 9-1-3](#)) to the Indiana State Board of Animal Health ([345 IAC 9-1-3](#)) by P.L.137-1996, SECTION 76, effective July 1, 1996.

SECTION 2. [345 IAC 9-2-1](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 9-2-1](#) Establishments requiring inspection or a grant of exemption

Authority: [IC 15-17](#)

Affected: [IC 15-17](#)

Sec. 1. (a) Unless otherwise exempted, a person may not operate an establishment without receiving inspection service by the division. A person desiring to operate an establishment must meet at least one (1) of the following sets of requirements:

(1) A person may operate an official establishment by:

- (A)** meeting the requirements of the act and this article for an official establishment;
- (B)** applying to the division for inspection; and
- (C)** receiving a grant of inspection from the division;

prior to beginning operation.

(2) A person may operate a custom exempt establishment by:

- (A)** meeting the requirements of the act and this article for a custom exempt establishment;
- (B)** applying to the division for inspection; and
- (C)** receiving a grant of exemption from inspection from the division;

prior to beginning operation.

(b) Establishments that must receive a grant of inspection under this section are those establishments that slaughter livestock or process meat, meat byproducts, or meat food products derived from livestock. Processing, for the purpose of this section, includes:

- (1)** canning;
- (2)** curing;
- (3)** salting;
- (4)** cooking;
- (5)** smoking;

(6) packing;
(7) rendering;
(8) manufacturing;
(9) freezing;
(10) drying; and
(11) any other similar operation;
that is conducted on meat.

(c) Establishments conducting activities described in 9 CFR 303.1(a)(2) must receive a grant of exemption under this section.

(d) The division shall inspect the construction, sanitation, and operation of an applicant's establishment according to this article prior to and after granting inspection services or an exemption from inspection services. The division may temporarily or permanently withdraw inspection services or a grant of exemption from an establishment for violations of the act and this article.

(e) A person submitting an application for inspection under this section must include a description of the means by which the establishment will dispose of inedible products. The division shall approve the inedible disposal method if the proposed method complies with the act, this article, and [IC 15-17-11](#).

(f) A person conducting activities that are exempted by [IC 15-17-5-11](#) is not required to apply for and maintain inspection.

(g) The state veterinarian may refuse to provide, or withdraw, inspection service under this rule with respect to any establishment if he or she determines that the applicant or recipient is unfit to engage in any business requiring inspection under the act or rules adopted under the act because the applicant or recipient, or anyone responsibly connected with the applicant or recipient, has been convicted in a federal or state court of:

(1) any felony; or

(2) more than one (1) violation of any law, other than a felony;

based upon the acquiring, handling, or distributing of unwholesome, mislabeled, or deceptively packaged food or upon fraud in connection with transactions in food. This subsection shall not affect in any way other provisions of the act or rules adopted under the act for withdrawal of inspection services from establishments for any other reason. The state veterinarian's refusal or withdrawal action may be for a period of time or indefinitely as he or she deems necessary to effectuate the purposes of the act. The state veterinarian shall notify the applicant or recipient of the service of their opportunity for a hearing to review the action under [IC 15-17-17](#). For the purpose of this section, a person shall be deemed to be responsibly connected with the business if he or she was a partner, an officer, a director, a holder, or an owner of ten percent (10%) or more of its voting stock, or an employee in a managerial or an executive capacity.

(Indiana State Board of Animal Health; Reg HMP-1R,CH A,PT 2, Sec 2.1; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 230; filed May 26, 1978, 3:30 p.m.: 1 IR 103; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1301; filed Oct 30, 2000, 2:06 p.m.: 24 IR 677; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); errata filed Oct 3, 2008, 3:30 p.m.: [20081022-IR-345080767ACA](#); filed Nov 24, 2010, 3:20 p.m.: [20101222-IR-345100122FRA](#); filed Sep 18, 2012, 2:21 p.m.: [20121017-IR-345120108FRA](#)) NOTE: Transferred from the Indiana State Department of Health ([410 IAC 9-2-1](#)) to the Indiana State Board of Animal Health ([345 IAC 9-2-1](#)) by P.L. 137-1996, SECTION 76, effective July 1, 1996.

SECTION 3. [345 IAC 9-2-2](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 9-2-2](#) Inspection of livestock and products; applicability

Authority: [IC 15-17](#)

Affected: [IC 15-17-5](#)

Sec. 2. **(a)** All livestock and all products entering any official establishment and all products prepared in whole

or in part therein, shall be:

- (1) inspected;
- (2) handled;
- (3) stored;
- (4) prepared;
- (5) packaged;
- (6) marked; and
- (7) labeled;

as required by this article. All livestock and all products entering a custom exempt establishment shall meet those requirements in this article that apply to custom exempt establishments and those products produced at custom exempt establishments.

(b) An official establishment that believes or has reason to believe that adulterated or misbranded meat or meat product received by or originating from the establishment has entered into commerce shall notify the division within twenty-four (24) hours of learning or determining that the product has entered commerce. The official establishment shall notify the division of the:

- (1) type;**
- (2) amount;**
- (3) origin; and**
- (4) destination;**

of the meat or meat product.

(c) Each establishment shall prepare and maintain current written procedures for the recall of meat and meat products produced and shipped by the establishment. The procedures must specify how the official establishment will decide whether to conduct a product recall and how a recall will be conducted. The establishment must do the following:

- (1) Document each reassessment of its recall plans.**
- (2) Make the plans available to the division upon request.**

(Indiana State Board of Animal Health; Reg HMP-1R,CH A,PT 2, Sec 2.2; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 230; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1301; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2392; filed Oct 30, 2000, 2:06 p.m.: 24 IR 678; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); filed Sep 18, 2012, 2:21 p.m.: [20121017-IR-345120108FRA](#)) NOTE: Transferred from the Indiana State Department of Health ([410 IAC 9-2-2](#)) to the Indiana State Board of Animal Health ([345 IAC 9-2-2](#)) by P.L. 137-1996, SECTION 76, effective July 1, 1996.

SECTION 4. [345 IAC 9-2.1-1](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 9-2.1-1](#) Incorporation by reference

Authority: [IC 15-17](#)

Affected: [IC 4-21.5-3](#); [IC 15-17-2](#); [IC 15-17-17](#)

Sec. 1. (a) The board adopts as its rule and incorporates by reference the following federal regulations in effect on January 1, 2010: **2012:**

- (1) 9 CFR 301, except the definitions in [IC 15-17-2](#) and [345 IAC 9-1-3](#) shall control over conflicting definitions in 9 CFR.
- (2) 9 CFR 303 through 9 CFR 311, except the following are not incorporated:
 - (A) 9 CFR 303.1(c), 9 CFR 303.1(g), and 9 CFR 303.2.
 - (B) 9 CFR 306.1.
 - (C) 9 CFR 307.4, 9 CFR 307.5, and 9 CFR 307.6.
 - (D) 9 CFR 308.
- (3) 9 CFR 313 through 9 CFR 320, except 9 CFR 317.4 and 9 CFR 317.5.
- (4) 9 CFR 325.
- (5) 9 CFR 416 through 9 CFR 441.
- (6) 9 CFR 500, except the following:
 - (A) References to the Uniform Rules of Practice, 7 CFR Subtitle A, Part 1, Subpart H, shall mean [IC 15-17-17](#) and [IC 4-21.5-3](#).

(B) References to adulterated or misbranded product shall refer to products adulterated or misbranded as defined in [IC 15-17-2](#).

(b) When interpreting this article, including all matters incorporated by reference, the following shall apply:

(1) A reference to any subpart of 9 CFR 302 refers to the corresponding section of [345 IAC 9-2](#).

(2) A reference to:

(A) 9 CFR 307.4 shall refer to [345 IAC 9-7-4](#);

(B) 9 CFR 307.5 shall refer to [345 IAC 9-7-6](#); and

(C) 9 CFR 307.6 shall refer to [345 IAC 9-7-6](#).

(3) A reference to any subpart of 9 CFR 312 refers to the corresponding section of [345 IAC 9-12](#).

(4) A reference to:

(A) 9 CFR 316.16 shall refer to [345 IAC 9-16-16](#);

(B) 9 CFR 317.4 shall refer to [345 IAC 9-17-4](#);

(C) 9 CFR 317.5 shall refer to [345 IAC 9-17-5](#); and

(D) 9 CFR 317.16 shall refer to [345 IAC 9-17-16](#).

(5) A reference to:

(A) 9 CFR 321.1 shall refer to [345 IAC 9-20](#); and

(B) 9 CFR 321.2 shall refer to [345 IAC 9-20](#).

(6) A reference to any subpart of 9 CFR 329 shall refer to the corresponding section in [345 IAC 9-22](#).

(c) Where the provisions of this article conflict with matters incorporated by reference, the express provisions of this article shall control.

(d) The board will utilize the latest edition of the following documents issued by the United States Department of Agriculture when interpreting and implementing the provisions of this article and [IC 15-17](#):

(1) Food Safety and Inspection Service Regulatory Directives.

(2) Food Safety and Inspection Service Notices.

(e) Copies of incorporated documents and interpreting and implementing documents may be obtained from the United States Department of Agriculture, Food Safety Inspection Service website, the U.S. Government Printing Office website, or by sending a written request to the board.

(Indiana State Board of Animal Health; [345 IAC 9-2.1-1](#); filed Dec 10, 1997, 11:30 a.m.: 21 IR 1301; filed Sep 10, 1999, 9:14 a.m.: 23 IR 14; filed Oct 30, 2000, 2:06 p.m.: 24 IR 678; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:43 p.m.: 26 IR 1540; filed Jul 14, 2004, 9:25 a.m.: 27 IR 3982; filed Jan 5, 2006, 8:00 a.m.: 29 IR 1552; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); filed Aug 11, 2008, 3:39 p.m.: [20080910-IR-345080126FRA](#); errata filed Oct 3, 2008, 3:30 p.m.: [20081022-IR-345080767ACA](#); filed Nov 24, 2010, 3:20 p.m.: [20101222-IR-345100122FRA](#); filed Sep 18, 2012, 2:21 p.m.: [20121017-IR-345120108FRA](#))

SECTION 5. [345 IAC 9-12-1](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 9-12-1](#) General marking

Authority: [IC 15-17](#)

Affected: [IC 15-17-5](#)

Sec. 1. The marks, devices, and certificates prescribed or referenced in this article shall be:

(1) official marks, devices, and certificates for purposes of the act; and ~~shall be~~

(2) used in accordance with the provisions of this article.

However, an establishment that is a selected establishment under 9 CFR Part 332 shall use the official marks, devices, and certificates in 9 CFR Part 312 for products that are intended for interstate commerce.

(Indiana State Board of Animal Health; Reg HMP-1R,CH A,PT 12,Sec 12.1; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 276; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1304; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); filed Sep 18, 2012, 2:21 p.m.: [20121017-IR-345120108FRA](#)) NOTE: Transferred from the Indiana State Department of Health ([410 IAC 9-12-1](#)) to the Indiana State Board of Animal Health ([345 IAC 9-12-1](#)) by P.L. 137-1996, SECTION 76, effective July 1, 1996.

SECTION 6. [345 IAC 9-12-2](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 9-12-2](#) Inspected and passed products; official marks

Authority: [IC 15-17](#)

Affected: [IC 15-17-5](#)

Sec. 2. (a) The official inspection legend required by 9 CFR 316 to be applied to inspected and passed carcasses and parts of carcasses of cattle, sheep, swine, goats, and rabbits, meat food products in animal casings, and other products as approved by the board, shall be in the form of an outline of the state of Indiana with the words "IND. INSP. & PASSED BOAH EST. 000" inside the outline, as specified and depicted in this subsection, substituting the assigned establishment number where the number "000" is used. ~~But,~~ **However,** legend markers that were in use before July 1, 1996, may contain "St. B. of H" followed by "Est. 000", and the establishment number may be placed elsewhere on a label as allowed under 9 CFR 317.2. The official inspection legend described in this subsection is depicted in subdivision (2). Each mark must be a size specified in the following subdivisions but may vary by one-sixteenth (1/16) of an inch, plus or minus, in either direction:

(1) For applications to:

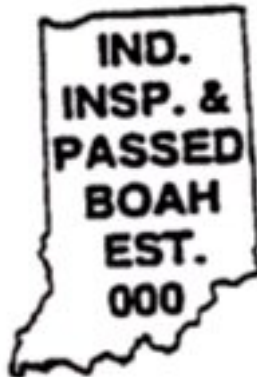
- (A) sheep, calf, goat, and rabbit carcasses;
- (B) the loins and ribs of pork;
- (C) beef tails; and
- (D) all varieties of sausage and meat food products in animal casings;

a mark that is either one and one-eighth (1 1/8) inches tall by five-eighths (5/8) inches wide or the size indicated in subdivision (2).

(2) For applications to:

- (A) cattle, swine, equine, cervid, and carcasses, primal parts, and cuts therefrom;
- (B) beef livers;
- (C) beef tongues;
- (D) beef hearts;
- (E) smoked meats not in casings; and
- (F) burlap, muslin, cheesecloth, heavy paper, or other acceptable material that encloses carcasses or parts of carcasses;

a mark that is one and fifteen-sixteenths (1 15/16) inches tall by one and one-eighth (1 1/8) inches wide. The following is a picture of the mark:



(b) The official inspection legend required by 9 CFR to be shown on all labels for inspected and passed products of livestock shall be in the form described and illustrated in subsection (a), except that it need not be of the size specified or illustrated, provided that it is proportionate to the size of the label, and a sufficient size and of such color as to be conspicuously displayed and readily legible and the same proportions of letter size and boldness are maintained as illustrated. This official mark shall be applied by mechanical means and shall not be applied by a hand stamp.

(c) The official inspection legend described in subsection (a) may also be used for purposes of 9 CFR 316 on shipping containers, band labels, artificial casings, and other articles with the approval of the secretary.

(d) Any brand, stamp, label, or other device approved by the board and bearing any official mark prescribed in this section shall be an official device for purposes of the act. **Notwithstanding any other provision of this section, an establishment that is a selected establishment under 9 CFR Part 332 shall use the official marks, devices, and certificates in 9 CFR Part 312 for products that are intended for interstate commerce.**

(Indiana State Board of Animal Health; Reg HMP-1R,CH A,PT 12, Sec 12.2; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 276; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1305; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2392; filed Oct 30, 2000, 2:06 p.m.: 24 IR 682; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Jan 5, 2006, 8:00 a.m.: 29 IR 1553; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); filed Sep 18, 2012, 2:21 p.m.: [20121017-IR-345120108FRA](#)) NOTE: Transferred from the Indiana State Department of Health ([410 IAC 9-12-2](#)) to the Indiana State Board of Animal Health ([345 IAC 9-12-2](#)) by P.L.137-1996, SECTION 76, effective July 1, 1996.

SECTION 7. [345 IAC 9-12-4](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 9-12-4](#) Transportation of products; official marks

Authority: [IC 15-17](#)

Affected: [IC 15-17-5](#)

Sec. 4. (a) The official mark for use in sealing railroad cars or other means of conveyance, as prescribed in 9 CFR 325 or otherwise, shall be a seal bearing the inscription "IN STATE BD of ANIMAL HEALTH" and a unique serial number. The state veterinarian may approve a different seal for use as an official mark if necessary to enforce the provisions of the act. The marks described in this subsection shall be official devices for purposes of the act. A seal shall be attached to the means of conveyance only by a state or federal official.

(b) The number "0000000" in the following example is given as an example only. The serial number of the specific seal will be shown in lieu thereof. The following is an example of the seal described in this section:

IN STATE BD of ANIMAL HEALTH	0000000
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(c) Notwithstanding any other provision of this section, an establishment that is a selected establishment under 9 CFR Part 332 shall use the official marks, devices, and certificates in 9 CFR Part 312 for products that are intended for interstate commerce.

(Indiana State Board of Animal Health; Reg HMP-1R,CH A,PT 12, Sec 12.4; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 278; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1306; filed Oct 30, 2000, 2:06 p.m.: 24 IR 682; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); filed Sep 18, 2012, 2:21 p.m.: [20121017-IR-345120108FRA](#)) NOTE: Transferred from the Indiana State Department of Health ([410 IAC 9-12-4](#)) to the Indiana State Board of Animal Health ([345 IAC 9-12-4](#)) by P.L.137-1996, SECTION 76, effective July 1, 1996.

SECTION 8. [345 IAC 9-12-5](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 9-12-5](#) Adulterated products or insanitary facilities; official marks

Authority: [IC 15-17](#)

Affected: [IC 15-17-5](#)

Sec. 5. (a) The official marks required by 9 CFR 416 and 9 CFR 310 for use in postmortem inspection and identification of adulterated products and insanitary equipment and facilities are as follows:

- (1) The tag that is used to retain carcasses and parts of carcasses in the slaughter department shall appear as follows:
 - (A) Black and white.
 - (B) Bears the legend "IND. Retained".
 - (C) Is a three-section or five-section tag as used for:

- (i) hogs;
- (ii) sheep;
- (iii) goats;
- (iv) ratitae; and
- (v) calves.

(D) Is a five-section tag as used for:

- (i) cattle;
- (ii) farm-raised cervidae; and
- (iii) bison.

(2) The "IND. Retained" mark is applied to products and articles as prescribed in 9 CFR 310 by means of a paper tag bearing the legend "IND. Retained".

(3) The "IND. Rejected" mark is used to identify insanitary buildings, rooms, or equipment as prescribed in 9 CFR 416 and is applied by means of a paper tag bearing the legend "IND. Rejected".

(4) The "IND. Passed for Cooking" mark is applied on products passed for cooking as prescribed in 9 CFR 310 by means of a brand and is in the following form:

IND. PASSED FOR COOKING

(5) The "IND. Condemned" mark is applied to products condemned as prescribed in 9 CFR 310 by means of a brand and is in the following form:

IND. CONDEMNED

(b) The IND. Retained and IND. Rejected tags, and all other brands, stamps, labels, and other devices approved by the board and bearing any official mark prescribed in this section, shall be official devices for purposes of the act.

(c) Notwithstanding any other provision of this section, an establishment that is a selected establishment under 9 CFR Part 332 shall use the official marks, devices, and certificates in 9 CFR Part 312 for products that are intended for interstate commerce.

(Indiana State Board of Animal Health; Reg HMP-1R,CH A,PT 12, Sec 12.5; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 278; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1306; filed Oct 30, 2000, 2:06 p.m.: 24 IR 683; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); filed Sep 18, 2012, 2:21 p.m.: [20121017-IR-345120108FRA](#)) NOTE: Transferred from the Indiana State Department of Health ([410 IAC 9-12-5](#)) to the Indiana State Board of Animal Health ([345 IAC 9-12-5](#)) by P.L.137-1996, SECTION 76, effective July 1, 1996.

SECTION 9. [345 IAC 9-12-6](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 9-12-6](#) Detention marks

Authority: [IC 15-17](#)

Affected: [IC 15-17-5](#)

Sec. 6. The official mark for articles and livestock detained under 9 CFR 329 shall be the designation "IND. Detained", and the official device for applying such mark shall be official tag as prescribed in 9 CFR 329.2. **However, the official marks, devices, and certificates in 9 CFR Part 312 shall be used for products that are intended for interstate commerce under the selected establishment program in 9 CFR Part 332.**

(Indiana State Board of Animal Health; Reg HMP-1R,CH A,PT 12,Sec 12.6; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 279; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1307; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); filed Sep 18, 2012, 2:21 p.m.: [20121017-IR-345120108FRA](#)) NOTE: Transferred from the Indiana State Department of Health ([410 IAC 9-12-6](#)) to the Indiana State Board of Animal Health ([345 IAC 9-12-6](#)) by P.L.137-1996, SECTION 76, effective July 1, 1996.

SECTION 10. [345 IAC 9-20-2](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 9-20-2](#) Federal-state program

Authority: [IC 15-17](#)

Sec. 2. (a) At the discretion of the state veterinarian, state employees may be assigned to plants granted federal inspection under the "Talmadge-Aiken Act" (7 U.S.C. 450) and receive any funds available from the United States government for the carrying out such required functions at plants granted federal meat inspection. The cooperative program under this section is called a federal-state program.

(b) The state veterinarian may authorize board employees to become licensed or otherwise approved by the United States Department of Agriculture to conduct inspection activities under federal meat inspection regulations and federal programs, including the voluntary rabbit inspection program under 9 CFR Part 354.

(c) The state veterinarian may enter into an agreement with the United States Department of Agriculture to participate in a cooperative program for interstate shipment of carcasses, meat, and meat products under 9 CFR Part 332. Notwithstanding any provision of this article, an establishment that is a selected establishment for the purposes of interstate shipment under 9 CFR Part 332 shall follow the federal regulations governing participation in the selected establishment interstate shipment program.

(Indiana State Board of Animal Health; Reg HMP-1R,CH A,PT 21,Sec 21.2; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 364; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1313; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Jan 5, 2006, 8:00 a.m.: 29 IR 1554; readopted filed May 9, 2007, 3:16 p.m.:

[20070516-IR-345070037RFA](#); filed Sep 18, 2012, 2:21 p.m.: [20121017-IR-345120108FRA](#)) NOTE: Parts 22, 23 and 24 reserved by agency. NOTE: Transferred from the Indiana State Department of Health ([410 IAC 9-20-2](#)) to the Indiana State Board of Animal Health ([345 IAC 9-20-2](#)) by P.L.137-1996, SECTION 76, effective July 1, 1996.

SECTION 11. [345 IAC 9-21.5-2](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 9-21.5-2](#) General provisions and incorporation by reference

Authority: [IC 15-17](#)

Affected: [IC 15-17-5](#); [IC 15-17-17](#)

Sec. 2. (a) The board adopts as its rule and incorporates by reference the regulations in 9 CFR Part 354 **for the voluntary inspection of rabbits** in effect on January 1, ~~2040~~ **2012**.

(b) The following revisions, exclusions, and limitations apply to the regulations adopted by reference in subsection (a):

- (1) The term "department" shall mean and refer to the board.
- (2) 9 CFR 354.45(b) is not incorporated by reference. The state veterinarian shall follow the notice provisions in [IC 15-17-17](#) when suspending or denying services under this rule.
- (3) 9 CFR 354.100 through 9 CFR 354.110 are not incorporated. The state veterinarian shall follow the procedures in [IC 15-17-5](#) and other state laws when assessing and collecting fees and charges.
- (4) The marks, devices, and certificates in [345 IAC 9-12](#) shall be the official marks, devices, and certificates for the purposes of the inspection program authorized in section 1 of this rule. The state veterinarian may authorize, after consultation with the United States Department of Agriculture, use of the marks described in 9 CFR 354.63 and 9 CFR 354.65.
- (5) 9 CFR Part 416 and 9 CFR Part 417 apply to establishments participating in the inspection program established under section 1 of this rule.

(Indiana State Board of Animal Health; [345 IAC 9-21.5-2](#); filed Jan 5, 2006, 8:00 a.m.: 29 IR 1554; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); errata filed Oct 3, 2008, 3:30 p.m.:

[20081022-IR-345080767ACA](#); filed Nov 24, 2010, 3:20 p.m.: [20101222-IR-345100122FRA](#); filed Sep 18, 2012, 2:21 p.m.: [20121017-IR-345120108FRA](#))

SECTION 12. [345 IAC 10-1-1](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 10-1-1](#) Definitions

~~Sec. 1. (a) The definitions in this section, unless otherwise required by the context, the singular form shall also import the plural and the masculine form shall also import the feminine, and vice versa.~~

~~(b)~~ The definitions in [IC 15-17-2](#), [IC 15-17-5](#), and this section apply throughout this article:

(1) "Act" means the Indiana Meat and Poultry Inspection and Humane Slaughter Act under [IC 15-17-5](#).

(2) "Administrator" means the state veterinarian, division director, or other board employee to whom authority has been delegated under the act.

(3) "Animal food manufacturer" means a person engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses or parts or products of the carcasses of poultry.

~~(3)~~ **(4) "Area supervisor", "circuit supervisor", or "poultry inspector supervisor" means a designated division employee who is in charge of the division's inspection and operational duties in a geographical region of the state.**

~~(4)~~ **(5) "Board", "state board", or "department" means the Indiana state board of animal health.**

(6) "Capable of use as human food" means any carcass or part or product of a carcass of poultry that is not:

(A) denatured or otherwise identified as required by rules of the board to deter its use as human food; or

(B) naturally inedible by humans.

~~(5)~~ **(7) "Commerce" means commerce within the state. The term includes, without limitation, a transfer of ownership or an offer to transfer ownership by sale or otherwise and the transportation of products on public roads of the state pursuant to a business transaction.**

(8) "Container" or "package" means any box, can, tin, cloth, plastic or other receptacle, wrapper, or cover.

~~(6)~~ **(9) "Division" or "program" means the meat and poultry division of the board.**

~~(7)~~ **(10) "Division director" means the veterinarian employed by the board to whom authority has heretofore been delegated or may be delegated to act in his or her stead.**

~~(8)~~ **(11) "Division employee" or "program employee" means the inspectors and all other individuals employed by the board and authorized to do any work or perform any duty in connection with the enforcement of the act.**

~~(9)~~ **(12) "Establishment" or "recognized establishment" means any building or part thereof, or other location, used for:**

(A) slaughtering animals or poultry; or

(B) preparing:

(i) meat or poultry;

(ii) meat or poultry food products; and

(iii) meat or poultry byproducts;

for human consumption.

~~(10)~~ **(13) "Food safety and inspection service", as referenced in 9 CFR, means the board.**

(14) "Immediate container" means any consumer package or any other container in which poultry products are packed.

~~(11)~~ **(15) "Inspection" or "inspection service" means inspection under [IC 15-17-5](#) and this rule by agents of the board or the United States Department of Agriculture.**

~~(12)~~ **(16) "Inspector" means an employee or official of the state authorized by the board to inspect poultry and poultry products under the authority of the act, or an employee of the United States government authorized to inspect poultry or poultry products under the authority of the act under an agreement between the board and the United States government.**

(17) "Label" means a display of written, printed, or graphic matter on any article or the immediate container of any article. The term does not include packaged liners.

(18) "Labeling" means all labels and other written, printed, or graphic matter on any article or any of its containers or wrappers or that accompanies the article.

(19) "Official certificate" means a certificate prescribed by this article for issuance by an inspector or other person performing official functions under this article.

(20) "Official device" means any device prescribed or authorized by the board for use in applying an official mark.

~~(13)~~ **(21) "Official establishment" means an establishment granted inspection service under the act and this article.**

~~(14)~~ **(22)** "Official inspection legend" means the official inspection mark prescribed in [345 IAC 10-13](#) that indicates a product was inspected under this article.

~~(15)~~ **(23)** "Official mark" means the official inspection legend or any other symbol prescribed in [345 IAC 10-13](#) this rule to identify the status of any article or poultry under the act.

~~(16)~~ **(24)** "Person" has the meaning set forth in [IC 15-17-2-83](#).

~~(17)~~ **(25)** "Poultry" means any domesticated bird, including:

- (A) chickens;
- (B) turkeys;
- (C) ducks;
- (D) geese;
- (E) guineas; or
- (F) ratitae; or
- (G) squabs;**

whether live or dead.

(26) "Poultry products broker" means any person engaged in the business of buying or selling poultry products on commission or otherwise negotiating purchases or sales of such articles other than for his or her own account or as an employee of another person.

(27) "Processed" means:

- (A) slaughtered;**
- (B) canned;**
- (C) salted;**
- (D) stuffed;**
- (E) rendered;**
- (F) boned;**
- (G) cut up; or**
- (H) otherwise manufactured or processed.**

(28) "Renderer" means any person engaged in the business of rendering carcasses or parts or products of the carcasses of livestock or poultry. The term does not include rendering conducted under inspection or exemption under this rule.

~~(18)~~ **(29)** "Secretary", "state veterinarian", or "administrator" means the Indiana state veterinarian appointed under [IC 15-17-4](#) or a legally authorized representative.

(30) "Shipping container" means any container used or intended for use in packaging the product packed in an immediate container.

~~(19)~~ **(31)** "State" means the state of Indiana.

~~(20)~~ **(32)** "Supervision" means controls implemented by board officials under the act and this article to ensure compliance with the act and this article. Supervision may include periodic observation or review as allowed under board policies.

~~(21)~~ **(33)** "United States" or "U.S.", as referenced in 9 CFR, followed by:

- (A) detained;
- (B) retained;
- (C) rejected; or
- (D) suspect;

means "Indiana" or "state of Indiana" followed by the appropriate term.

(Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt A, Sec 1.1; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 268; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1315; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2393; filed Oct 30, 2000, 2:06 p.m.: 24 IR 683; errata filed Apr 9, 2001, 12:52 p.m.: 24 IR 2470; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); errata filed Oct 3, 2008, 3:30 p.m.: [20081022-IR-345080767ACA](#); filed Sep 18, 2012, 2:21 p.m.: [20121017-IR-345120108FRA](#)) NOTE: Transferred from the Indiana State Department of Health ([410 IAC 10-1-1](#)) to the Indiana State Board of Animal Health ([345 IAC 10-1-1](#)) by P.L.138-1996, SECTION 76, effective July 1, 1996.

SECTION 13. [345 IAC 10-2-3](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 10-2-3](#) Applicability of inspection provisions

Authority: [IC 15-17](#)

Affected: [IC 15-17](#)

Sec. 3. **(a) Except as provided in this article**, inspection under the act and this article is required at every establishment ~~except as provided in Subpart C of 9 CFR 381 and [IC 15-17-5-11](#)~~, in which any poultry is slaughtered or any poultry products are processed for transportation or sale in commerce as articles intended for use as human food. The division may implement inspection procedures for processing operations that are different than the inspection procedures for slaughter operations. Processing procedures may include procedures that allow for varied frequency of inspection depending on the processing operations conducted.

(b) The division shall inspect the construction, sanitation, and operation of an applicant's establishment according to this article prior to and after granting inspection services or an exemption from inspection services. The division may temporarily or permanently withdraw inspection services or a grant of exemption from an establishment for violations of the act and this article.

(c) A person submitting an application for inspection under this section must include a description of the means by which the establishment will dispose of inedible products. The division shall approve the inedible disposal method if the proposed method complies with the act, this article, and [IC 15-17-11](#).

(d) A person conducting activities that are exempted by [IC 15-17-5-11](#) or Subpart C of 9 CFR 381 is not required to apply for and maintain inspection.

(e) The state veterinarian may refuse to provide, or withdraw, inspection service under this rule with respect to any establishment if he determines that the applicant or recipient is unfit to engage in any business requiring inspection under the act or rules adopted under the act because the applicant or recipient, or anyone responsibly connected with the applicant or recipient, has been convicted in a federal or state court of:

(1) any felony; or

(2) more than one (1) violation of any law, other than a felony;

based upon the acquiring, handling, or distributing of unwholesome, mislabeled, or deceptively packaged food or upon fraud in connection with transactions in food. This subsection shall not affect in any way other provisions of the act or rules adopted under the act for withdrawal of inspection services from establishments for any other reason. The state veterinarian's refusal or withdrawal action may be for a period of time or indefinitely as he or she deems necessary to effectuate the purposes of the act. The state veterinarian shall notify the applicant or recipient of the service of their opportunity for a hearing to review the action under [IC 15-17-17](#). For the purpose of this section, a person shall be deemed to be responsibly connected with the business if he was a partner, an officer, a director, a holder or an owner of ten percent (10%) or more of its voting stock, or an employee in a managerial or an executive capacity.

(Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt B, Sec 1.6; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 275; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1319; filed Oct 30, 2000, 2:06 p.m.: 24 IR 684; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); errata filed Oct 3, 2008, 3:30 p.m.: [20081022-IR-345080767ACA](#); filed Sep 18, 2012, 2:21 p.m.: [20121017-IR-345120108FRA](#)) NOTE: Transferred from the Indiana State Department of Health ([410 IAC 10-2-3](#)) to the Indiana State Board of Animal Health ([345 IAC 10-2-3](#)) by P.L.138-1996, SECTION 76, effective July 1, 1996.

SECTION 14. [345 IAC 10-2-4](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 10-2-4](#) Poultry requirements

Authority: [IC 15-17](#)

Affected: [IC 15-17-5](#)

Sec. 4. All **(a) A person slaughtering poultry and or preparing poultry products processed for human food must slaughter the poultry and prepare poultry products in an official establishment shall be in compliance with this article. Slaughtered poultry and poultry products must be:**

(1) inspected;

(2) handled;

(3) processed;

(4) marked; and

(5) labeled;
as required by this article and [IC 15-17-5](#).

(b) An official establishment that believes or has reason to believe that adulterated or misbranded poultry or poultry product received by or originating from the establishment has entered into commerce shall promptly notify the division of the:

- (1) type;**
 - (2) amount;**
 - (3) origin; and**
 - (4) destination;**
- of the poultry or poultry product.**

(c) Each establishment shall prepare and maintain current procedures for the recall of poultry and poultry products produced and shipped by the establishment. The establishment must make the plans available to the division upon request.

(Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt B,Sec 1.7; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 275; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1319; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); errata filed Oct 3, 2008, 3:30 p.m.: [20081022-IR-345080767ACA](#); filed Sep 18, 2012, 2:21 p.m.: [20121017-IR-345120108FRA](#)) NOTE: Transferred from the Indiana State Department of Health ([410 IAC 10-2-4](#)) to the Indiana State Board of Animal Health ([345 IAC 10-2-4](#)) by P.L.138-1996, SECTION 76, effective July 1, 1996.

SECTION 15. [345 IAC 10-2.1-1](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 10-2.1-1](#) Incorporation by reference; poultry products inspection

Authority: [IC 15-17](#)

Affected: [IC 4-21.5-3](#); [IC 15-17](#)

Sec. 1. (a) The board adopts as its rule and incorporates by reference the following federal regulations in effect on January 1, 2010: **2012:**

- (1) 9 CFR Part 362 with the following amendments and additions:
 - (A) 9 CFR 362.4(a)(2), 9 CFR 362.4(b)(2), 9 CFR 362.4(c), 9 CFR 362.4(d), and 9 CFR 362.5 are not incorporated.
 - (B) Fees for voluntary inspection service shall be charged in accordance with [IC 15-17-5-12](#).
 - (C) The state veterinarian may refuse to provide or withdraw voluntary inspection service for administrative reasons, including nonavailability of personnel and failure to pay for service.
- (2) 9 CFR 381.1, except the definitions in [IC 15-17](#) and [345 IAC 10-1-1](#) shall control over conflicting definitions in 9 CFR.
- (3) 9 CFR 381.10 with the following amendments and additions:
 - (A) 9 CFR 381.10(d)(2)(i) shall be amended by deleting the word "unless" and the remaining part of the sentence that follows that word.
 - (B) A person operating a facility engaged in exempt operations described in 9 CFR 381.10(a)(4) through 9 CFR 381.10(a)(7) and 9 CFR 381.10(b) through 9 CFR 381.10(c) shall comply with the registration and record keeping requirements in 9 CFR 381.175 through 9 CFR 381.182.
- (4) 9 CFR 381.11 through 9 CFR 381.95, except the following are not incorporated:
 - (A) 9 CFR 381.36.
 - (B) 9 CFR 381.37.
 - (C) 9 CFR 381.38.
 - (D) 9 CFR 381.39.
- (5) 9 CFR 381.115 through 9 CFR 381.182, except the following are not incorporated:
 - (A) 9 CFR 381.132.
 - (B) 9 CFR 381.133.
- (6) 9 CFR 381.189 through 9 CFR 381.194.
- (7) 9 CFR 381.300 through 9 CFR 381.500.
- (8) 9 CFR 416 through 9 CFR 441.
- (9) 9 CFR 500, except the following:
 - (A) References to Uniform Rules of Practice, 7 CFR Subtitle A, Part 1, Subpart H shall mean [IC 15-17-17](#)

and [IC 4-21.5-3](#).

(B) References to adulterated or misbranded product shall refer to products adulterated or misbranded as defined in [IC 15-17-2](#).

(b) When interpreting this article, including all matters incorporated by reference, the following shall apply:

(1) References to 9 CFR 381.3 through 9 CFR 381.7 refer to the corresponding section in [345 IAC 10-2](#).

(2) References to:

(A) 9 CFR 381.36 refer to [345 IAC 10-7-1](#);

(B) 9 CFR 381.37 refer to [345 IAC 10-7-2](#) and [345 IAC 10-7-3](#); and

(C) 9 CFR 381.38 and 9 CFR 381.39 refer to [345 IAC 10-7-4](#).

(3) References to:

(A) 9 CFR 381.96 refer to [345 IAC 10-13-1](#);

(B) 9 CFR 381.98 refer to [345 IAC 10-13-2](#);

(C) 9 CFR 381.99 refer to [345 IAC 10-13-3](#);

(D) 9 CFR 381.100 refer to [345 IAC 10-13-4](#);

(E) 9 CFR 381.101 refer to [345 IAC 10-13-5](#);

(F) 9 CFR 381.103 refer to [345 IAC 10-13-6](#);

(G) 9 CFR 381.110 refer to [345 IAC 10-13-7](#); and

(H) 9 CFR 381.111 refer to [345 IAC 10-13-8](#).

(4) References to 9 CFR 381.131, 9 CFR 381.132, and 9 CFR 381.133 refer to [345 IAC 10-14-18](#) and [345 IAC 10-14-20](#).

(5) References to:

(A) 9 CFR 381.185 refer to [345 IAC 10-18-1](#); and

(B) 9 CFR 381.186 refer to [345 IAC 10-18-2](#).

(6) References to 9 CFR 381.210 through 9 CFR 381.218 refer to the corresponding section of [345 IAC 10-20](#).

(c) Where the provisions of this article conflict with matters incorporated by reference, the express provisions of this article shall control.

(Indiana State Board of Animal Health; [345 IAC 10-2.1-1](#); filed Dec 10, 1997, 11:30 a.m.: 21 IR 1319; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2393; filed Sep 10, 1999, 9:14 a.m.: 23 IR 16; filed Oct 30, 2000, 2:06 p.m.: 24 IR 685; errata filed Apr 9, 2001, 12:52 p.m.: 24 IR 2470; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:43 p.m.: 26 IR 1541; filed Dec 16, 2004, 1:30 p.m.: 28 IR 1474; filed Jan 5, 2006, 8:00 a.m.: 29 IR 1554; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); filed Aug 11, 2008, 3:39 p.m.: [20080910-IR-345080126FRA](#); errata filed Oct 3, 2008, 3:30 p.m.: [20081022-IR-345080767ACA](#); filed Nov 24, 2010, 3:20 p.m.: [20101222-IR-345100122FRA](#); filed Sep 18, 2012, 2:21 p.m.: [20121017-IR-345120108FRA](#))

SECTION 16. [345 IAC 10-13-1](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 10-13-1](#) Official inspection legend

Authority: [IC 15-17](#)

Affected: [IC 15-17-5](#)

Sec. 1. (a) Except as otherwise provided in this article, the official inspection legend required to be used with respect to inspected and passed poultry and poultry products shall include wording and abbreviations as follows:

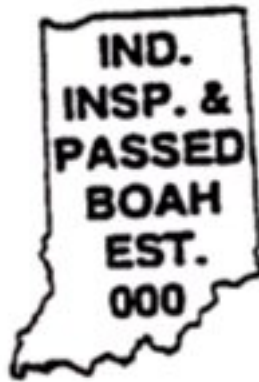
(1) IND. INSP. and PASSED BOAH Est. # (three (3) digit number).

(2) Legend markers that were in use prior to July 1, 1996, may also contain ST. B. of H. Est. # (three (3) digit number).

This wording shall be contained within an outlined shape of the state of Indiana. The form and arrangement of ~~such~~ the wording shall be exactly as indicated in the example in subsection (b), except that the appropriate official establishment number shall be shown, as assigned by the board.

(b) The official inspection legend shall be printed on consumer packages and other immediate containers of inspected and passed poultry and poultry products, or on labels to be securely affixed to ~~such~~ the containers. Further, ~~such~~ the legend shall be applied to shipping containers of ~~such~~ the products and may be printed or stenciled thereon, but shall not be applied by rubber stamping.

(c) The following is an example of the stamp that complies with subsection (a):



(d) An establishment that is a selected establishment under 9 CFR Part 381, Subpart Z shall use the official marks, devices, and certificates in 9 CFR Part 381, Subpart M for products that are intended for interstate commerce.

(Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt M,Sec 1.96; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 313; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1321; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2393; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); filed Sep 18, 2012, 2:21 p.m.: [20121017-IR-345120108FRA](#)) NOTE: Transferred from the Indiana State Department of Health ([410 IAC 10-13-1](#)) to the Indiana State Board of Animal Health ([345 IAC 10-13-1](#)) by P.L. 138-1996, SECTION 76, effective July 1, 1996.

SECTION 17. [345 IAC 10-13-2](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 10-13-2](#) Official seal

Authority: [IC 15-17](#)

Affected: [IC 15-17-5](#)

Sec. 2. **(a) Except as provided in subsection (b),** the official mark for use in sealing means of conveyance used in transporting poultry products under any requirement in this article shall be the inscription "IN STATE BD of ANIMAL HEALTH" and a unique serial number. The state veterinarian may approve a different seal for use as an official mark if necessary to enforce the provisions of the act. The marks described in this section shall be official devices for the purposes of the act. A seal may be attached to a means of conveyance only by a state or federal official. The following is an example of the seal described in this section:



(b) An establishment that is a selected establishment under 9 CFR Part 381, Subpart Z shall use the official marks, devices, and certificates in 9 CFR Part 381, Subpart M for products that are intended for interstate commerce.

(Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt M, Sec 1.98; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 314; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1321; filed Oct 30, 2000, 2:06 p.m.: 24 IR 686; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); filed Sep 18, 2012, 2:21 p.m.: [20121017-IR-345120108FRA](#)) NOTE: Transferred from the Indiana State Department of Health ([410 IAC 10-13-2](#)) to the Indiana State Board of Animal Health ([345 IAC 10-13-2](#)) by P.L. 138-1996, SECTION 76, effective July 1, 1996.

SECTION 18. [345 IAC 10-13-3](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 10-13-3](#) Official tags

Authority: [IC 15-17](#)

Affected: [IC 15-17-5](#)

Sec. 3. **(a)** An inspector may use ~~such~~ **the** tags or other devices and methods at an official establishment as ~~may be that are~~ approved by the board for the identification and control of the following:

(1) Poultry and poultry products that:

(A) appear to be out of compliance with this article; or

(B) are held for further examination.

(2) Any equipment, utensils, rooms, or compartments at such establishments found to be unclean or otherwise in violation of this article.

No poultry, poultry product, other article, equipment, utensil, room, or compartment so identified shall be used until it has been made acceptable. The board has approved a paper tag bearing the statement "Indiana Retained" for use on poultry or poultry products under this section, and has approved a paper tag bearing the statement "Indiana Rejected" for use on equipment, utensils, rooms, and compartments under this section. ~~Such~~ **The** tags are official devices and shall not be removed by anyone other than an inspector.

(b) An establishment that is a selected establishment under 9 CFR Part 381, Subpart Z shall use the official marks, devices, and certificates in 9 CFR Part 381, Subpart M for products that are intended for interstate commerce.

(Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt M,Sec 1.99; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 314; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1322; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); filed Sep 18, 2012, 2:21 p.m.: [20121017-IR-345120108FRA](#)) NOTE: Transferred from the Indiana State Department of Health ([410 IAC 10-13-3](#)) to the Indiana State Board of Animal Health ([345 IAC 10-13-3](#)) by P.L.138-1996, SECTION 76, effective July 1, 1996.

SECTION 19. [345 IAC 10-13-5](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 10-13-5](#) Official Indiana condemned tag

Authority: [IC 15-17](#)

Affected: [IC 15-17-5](#)

Sec. 5. **(a)** The paper tag "INDIANA CONDEMNED" shall be attached to poultry and poultry products to identify such until disposition is accomplished.

(b) An establishment that is a selected establishment under 9 CFR Part 381, Subpart Z shall use the official marks, devices, and certificates in 9 CFR Part 381, Subpart M for products that are intended for interstate commerce.

(Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt M,Sec 1.101; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 315; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1322; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); filed Sep 18, 2012, 2:21 p.m.: [20121017-IR-345120108FRA](#)) NOTE: Transferred from the Indiana State Department of Health ([410 IAC 10-13-5](#)) to the Indiana State Board of Animal Health ([345 IAC 10-13-5](#)) by P.L.138-1996, SECTION 76, effective July 1, 1996.

SECTION 20. [345 IAC 10-14-18](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 10-14-18](#) Approval required for manufacture of label bearing official mark

Authority: [IC 15-17](#)

Affected: [IC 15-17-5](#)

Sec. 18. **(a) Notwithstanding any provision of this rule, labels for products to be shipped interstate by**

an establishment that is a selected establishment under 9 CFR Part 381, Subpart Z shall comply with the requirements for participation in the interstate shipment program, such as label approval under 9 CFR Part 381, Subpart N. Except as provided in subsection (d), no label shall be used on any product until it has been approved in its final form by the board. For the convenience of the establishment, sketches or proofs of new labels may be submitted in triplicate through the officer in charge to the division for approval and the preparation of finished labels deferred until such approval is obtained. All finished labels shall be submitted in triplicate through the officer in charge to the division for approval.

(b) In case of lithographed labels, paper take-offs, in lieu of sections of the metal containers, shall be submitted for approval. ~~Such~~ **The** paper take-offs shall be in the form of a negative but shall be a complete reproduction of the label as it will appear on the package, including any color scheme involved. In case of fiber containers, printed layers, such as the kraft paper sheet, shall be submitted for approval in lieu of the complete container.

(c) Inserts, tags, liners, pasters, and like devices containing printed or graphic matter and for use on, or to be placed within, containers and coverings of product shall be submitted for approval in the same manner as provided for labels in subsection (a), except that officers in charge may permit use of such devices that contain no reference to product and bear no misleading feature.

(d) Stencils, labels, box dies, and brands may be used on shipping containers and on such immediate containers as tierces, barrels, drums, boxes, crates, and large-size fiberboard containers provided the markings are:

- (1) applicable to the product;
- (2) not false or deceptive; and
- (3) used with the approval of the officer in charge.

The inspection legend for use in combination with such markings shall be approved by the board.

(Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt N,Sec 1.132; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 325; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1323; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2393; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); filed Sep 18, 2012, 2:21 p.m.: [20121017-IR-345120108FRA](#)) NOTE: Transferred from the Indiana State Department of Health ([410 IAC 10-14-18](#)) to the Indiana State Board of Animal Health ([345 IAC 10-14-18](#)) by P.L.138-1996, SECTION 76, effective July 1, 1996.

SECTION 21. [345 IAC 10-18-2](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 10-18-2](#) Federal-state program

Authority: [IC 15-17](#)

Affected: [IC 15-17-5](#)

Sec. 2. **(a)** At the discretion of the state veterinarian, state employees may be assigned to plants granted federal inspection under the "Talmadge-Aiken Act" (7 U.S.C. 450) and receive any funds available from the United States government for the carrying out such required functions at plants granted federal meat inspection. The cooperative program under this section is called a federal-state program.

(b) The state veterinarian may enter into an agreement with the United States Department of Agriculture to participate in a cooperative program for interstate shipment of carcasses, poultry, and poultry products under 9 CFR Part 381, Subpart Z. Notwithstanding any provision of this article, an establishment that is a selected establishment for the purposes of interstate shipment under 9 CFR Part 381, Subpart Z shall follow the federal regulations governing participation in the selected establishment interstate shipment program.

(Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt R,Sec 1.186; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 356; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1324; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); filed Sep 18, 2012, 2:21 p.m.: [20121017-IR-345120108FRA](#)) NOTE: Sec. 1.187 reserved by agency. NOTE: Transferred from the Indiana State Department of Health ([410 IAC 10-18-2](#)) to the Indiana State Board of Animal Health ([345 IAC 10-18-2](#)) by P.L.138-1996, SECTION 76, effective July 1, 1996.

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Small Business Regulatory Coordinator: Gary L. Haynes, Director of Legal Affairs, Indiana State Board of Animal Health, Discovery Hall, Suite 100, 1202 E. 38th Street, Indianapolis, IN 46205, (317) 544-2412, ghaynes@boah.in.gov

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